

EXHIBIT X

Page 1

1 UNITED STATES DISTRICT COURT
2 NORTHERN DISTRICT OF CALIFORNIA
3 CASE NO. 10-cv-03561-WHA (DMR)

4 ORACLE AMERICA, INC.,

5 Plaintiff,

6
7 vs.
8

9 GOOGLE INC.,
10 Defendant.

11
12 -----
13 DEPOSITION OF: MICHAEL RINGHOFER

14 TRANSCRIPT of the stenographic notes of
15 the proceedings in the above-entitled matter as
16 taken by and before RUTHANNE UNGERLEIDER, a
17 Certified Court Reporter and Notary Public, held at
18 the office of ORRICK, HERRINGTON & SUTCLIFFE, LLP,
19 51 West 52nd Street, New York, New York, on
20 Thursday, March 31, 2016, commencing at
21 approximately 2:09 in the afternoon.

22
23
24
25 Job No. CS2279519

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1 So with that preface, I'll ask the
2 question again. I don't know if it changes your
3 answer, but I just want to be clear.

4 Are you aware of any mobile phone in
5 which Android has replaced Java?

6 MS. LEWIS-GRUSS: Objection.

7 A I don't know a specific model. I know
8 very similar. Whether they were -- changed the model
9 names on purpose, there are some that were quite
10 similar, but I don't know of a specific model.

11 Q So the answer is no, you're not aware of
12 any model of phone for which that's happened?

13 MS. LEWIS-GRUSS: Objection.

14 A No.

15 Q Are you aware of any device of any kind
16 for which Android has actually replaced Java?

17 MS. LEWIS-GRUSS: Objection.

18 A Yes.

19 Q And what is that device or devices?

20 A So -- I'll start with a few industries.

21 Like [REDACTED] the VoIP, Voice Over IP, a
22 conference phone like that phone, we used to be on
23 all varieties of phones, Android has replaced Java in
24 small and larger high-end phones.

25 Q In what model of [REDACTED] phone has Java

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1 replaced Android or -- strike that. I apologize.

2 In what model of [REDACTED] phone has Android
3 replaced Java?

4 A I don't have specific models. I'm aware
5 of the low-end and the high-end product families, so
6 I don't know -- I don't know what model or models
7 that is.

8 Q And -- sorry.

9 Outside of the context of Voice Over IP
10 phones, are you aware of any particular model of a
11 device for which Android has replaced Java?

12 MS. LEWIS-GRUSS: Objection.

13 A Kindle, we still maintain and run in,
14 you know, Kindle eBook readers, but there is a line
15 of new readers, Kindle Fire, for instance, that, you
16 know, we had Java all on, and then that went to
17 Android.

18 That is an instance.

19 Q Any others?

20 A We look at -- for example, like set-top
21 boxes, this is some examples, [REDACTED]
22 which was a company purchased by [REDACTED] used to run
23 Java that had went to Android.

24 I think looking at, you know, some
25 [REDACTED] another customer of ours in set-top boxes,

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1 we've seen erosion from products going to Android.

2 [REDACTED] is another set-top box company

3 that we've seen going to Android from Java.

4 Going back to a comment I had made
5 earlier that it wasn't -- again, not in my original
6 testimony, and I think it was -- was it part of -- it
7 might not have even been part of the errata, but it
8 was part of, like, I think Exhibit D. There's even
9 other customers and use cases that, you know, in the
10 past we've had some smart TVs that shipped Java, I
11 believe [REDACTED] that have been replaced
12 with Android.

13 Q Okay.

14 A The point is, there are so many
15 examples, there are too many examples that I could
16 even count of where -- out of all the customers over,
17 you know, 20 or so years that we've licensed, many of
18 them have been moving to Android, and there's so many
19 that I won't even know. Not that a customer calls us
20 or a prospect to tell us that they've always moved
21 away, so there is lots of examples.

22 Q I just want to be clear. I'm not asking
23 about prospect, I'm asking about a specific model.

24 So what model of [REDACTED] used to use Java
25 but now use Android instead?

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1 A Again, I don't know the models. It's
2 not really a topic I focus on or I deal with at my
3 level. I don't know.

4 Q What model of [REDACTED] used to use
5 Java but now uses Android?

6 A I do not know the model.

7 Q Do you know if there is a particular
8 model that used to use Java and now uses Android?

9 MS. LEWIS-GRUSS: Objection.

10 A Can you repeat?

11 Q Yeah. I'm asking a different question
12 now.

13 Do you know whether there ever has been
14 a model of smart TVs that used to use Java but now
15 use Android?

16 A That is my understanding, [REDACTED]

17 [REDACTED]
18 Q And you just don't know what the name of
19 the model is?

20 A That is correct.

21 Q But it's your belief that Android
22 actually replaced Java in an existing model of a
23 [REDACTED]

24 MS. LEWIS-GRUSS: Objection.

25 A Yes, that's my understanding.

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1 Q And the same for [REDACTED]

2 A Yes, that's my understanding.

3 Q And what about for [REDACTED]

4 was there a particular set-top box that used to use
5 Java and now uses Android?

6 MS. LEWIS-GRUSS: Objection.

7 A There is. I don't know what it is, I
8 don't know the name.

9 Q What about for [REDACTED] is there a
10 particular set-top box model that used to use Java
11 and now uses Android?

12 MS. LEWIS-GRUSS: Objection.

13 A I don't know the name, model number.

14 Q And you mentioned a company called
15 [REDACTED] Could you spell that?

16 A [REDACTED]

17 Q Is there a particular model of [REDACTED]
18 set-top box that used to use Java and now uses
19 Android instead?

20 MS. LEWIS-GRUSS: Objection.

21 A I do not know the specific model
22 numbers.

23 Q Okay.

24 And on the Kindle, the Kindle Fire is a
25 different product than the Kindle E-reader, correct?

1 BlackBerry has licensed Java SE?

2 A So BlackBerry Enterprise Server, which
3 is what they're pretty much known for, is written on
4 Java SE, so they do have licensing.

5 I just want to be specific.

6 Q Thank you. I appreciate that.

7 Android doesn't compete with Java on the
8 Enterprise side, correct?

9 A We have not seen historic competition.
10 We are concerned with trends in the industry where
11 that is a future problem -- it could be problematic
12 in the future and we would be concerned if movement
13 to the Enterprise continues. There, again, has not
14 been an issue to-date, but have concern for future.

15 Q So currently, today, Android does not
16 compete with Java on the Enterprise side?

17 A No.

18 Q Android doesn't compete with Java Card,
19 does it?

20 A No.

21 Q And Android doesn't compete with Java
22 EE, correct?

23 A No.

24 MR. MULLEN: Okay, now is a good
25 breaking point.

1 THE VIDEOGRAPHER: Off the record,
2 3:06 p.m. This is the end of disk one in the
3 deposition of Michael Ringhofer.

4 (Brief recess taken.)

5 THE VIDEOGRAPHER: Going back on the
6 record, 3:22 p.m. This is the beginning of disk two
7 in the deposition of Michael Ringhofer.

8 Q Welcome back, Mr. Ringhofer.

9 A Thank you.

10 Q Is it your opinion that Java customers
11 have used the threat of moving to Android as leverage
12 during negotiations with Oracle?

13 A Yes.

14 Q What is the basis for that opinion?

15 A We have had customers such as, one
16 example, [REDACTED] tell us during the
17 negotiation that they could use Java or they could
18 use Android, Android is free, so you're not free, you
19 need to get as close to free as possible, you know,
20 or why would we buy you.

21 Customers say a lot of things in
22 negotiations, and we are often hit -- well, we are
23 often hit in, you know, many deals, as more of the
24 norm than the exception on price sensitivity, on
25 getting the lowest price, and, you know, you're

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1 expensive compared to alternative scenarios that a
2 customer could choose.

3 Q Who is [REDACTED]

4 A They are an industrial automation
5 company, I think headquartered, like, in Milwaukee.

6 Q And what Java product was Oracle trying
7 to license to [REDACTED]

8 A Well, actually licensed, but they
9 licensed Java SE.

10 Q Okay.

11 And they are currently a Java licensee?

12 A That's correct.

13 Q Okay.

14 And is it your testimony that [REDACTED]
15 paid less because of the existence of Android?

16 A I can't answer if -- my testimony, if
17 they paid less. Clearly, that was part of the
18 negotiation. I don't know how much more we could
19 have got or how much was attributed to Android. It
20 absolutely came up in the meeting.

21 It was a difficult, you know,
22 negotiation. We ended at a price that probably would
23 have been higher if we weren't competing against
24 something free.

25 Q But you don't know that?

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1 MS. LEWIS-GRUSS: Objection.

2 A I don't know.

3 Q Other than [REDACTED] has any
4 other customer used the threat of moving to Android
5 as leverage during negotiations with Oracle?

6 A I hear many examples from my team that
7 have heard it from their customers. I don't often
8 hear it directly. Again, in my position, usually I'm
9 the last get over a deal or, you know, a final
10 obstacle, but my team deals with this argument all
11 the time in our normal sales cycle, so.

12 Q Can you name another customer for which
13 it has occurred?

14 A I certainly heard it for deals we've
15 lost as well, so any of the deals that we lost that
16 are more than I can count, absolutely have to do with
17 the concept of "Android is free, you're too
18 expensive, so would you" --

19 Q Let's stick with the deals that Oracle
20 has won.

21 Is there any instance where you are
22 aware of a customer paying less for Java because of
23 the existence of Android for free?

24 A I heard it through my team who told me
25 about like companies like [REDACTED] I hear it with

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1 our Ginga-J customers, you know, Android is a viable
2 platform, a solution, the price needs to go down. So
3 those are customers, like I said, [REDACTED]

4 [REDACTED] I hear it -- I'm trying to think of other deals
5 that we won specifically. Just give me a moment,
6 please.

7 We currently are hearing it with [REDACTED]
8 We are redoing their Voice Over IP phones that we're
9 still in, that has come up.

10 It came up at [REDACTED] a deal we just
11 recently did with Java SE in their printers.

12 Those are some that I'm aware about.

13 Q Are you aware of any others?

14 A Certainly all the phone manufacturers
15 that we had. We had one business that in many cases
16 we were told why are we going to pay for Java when we
17 can get something, in essence, for free. So I would
18 throw many of the manufacturers, so [REDACTED] in
19 that mix. I've heard [REDACTED] my team has mentioned
20 [REDACTED] mentioned that.

21 Q Were you personally involved in any of
22 those discussions that you just referenced?

23 A Absolutely, with my sales team.

24 Q Were you personally involved in any of
25 the licensing discussions where customers have

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1 brought up the fact that or brought up the threat of
2 moving to Android as leverage?

3 A I'm involved in most all the
4 discussions, but my sales team is the face to the
5 customer, they relate information for me, I give them
6 an answer for deal approvals, discounts, and they go
7 back to the customer. So they follow, in essence, in
8 order. They give me information, I respond, so
9 they're hearing my response ultimately through my
10 sales team.

11 Q So you haven't actually participated in
12 any of those discussions with the customer?

13 MS. LEWIS-GRUSS: Objection.

14 A Not physically.

15 Q Are you aware of any instance in which
16 the threats of moving to Android has, in fact,
17 resulted in a lower price paid by a customer of
18 Oracle's?

19 MS. LEWIS-GRUSS: Objection.

20 A I believe most negotiations are
21 impacted.

22 Q Okay.

23 Are you aware of any specific instance
24 in which you can say that that has, in fact,
25 happened?

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1 A That's the reason I hear every time.

2 Q And you've never personally heard from
3 any customer regarding the reasons they may have
4 chosen Android over Java?

5 MS. LEWIS-GRUSS: Objection.

6 A No.

7 Q Have you ever made any effort to follow
8 up with the particular customer?

9 MS. LEWIS-GRUSS: Objection.

10 A We just -- I've talked to Amazon
11 recently. I asked Amazon, what's our opportunity to
12 try to get Java back since we're expanding with
13 Kindles, and, you know, and Java SE, is there an
14 opportunity for Kindle Fire. So I have addressed
15 them again recently, and the answer I received was,
16 the train has left the station, it's too expensive,
17 way too expensive to change to a new platform at this
18 point.

19 So I have tried personally, yes.

20 Q So you met with Amazon personally?

21 A Yes.

22 Q Have you ever met with any other
23 customer personally?

24 MS. LEWIS-GRUSS: Objection.

25 A I have met with other customers.

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1 Q But none of them told you the reason
2 that they may have chosen Android over Java?

3 MS. LEWIS-GRUSS: Objection.

4 A Those conversations were something other
5 than Android, that is correct.

6 Q Is it your opinion that Java has been
7 pushed out of the mobile phone market?

8 A Absolutely.

9 Q And is there any other market that Java
10 has been pushed out of, in your opinion?

11 A I actually think we have been pushed out
12 of markets such as wearables, smart appliances, smart
13 TVs, set-top boxes, a good portion of automotive.

14 Every category that I talked to, there
15 is many -- I continue to look through here.

16 Many of the cash registers.

17 Q But my question is whether -- excuse
18 me -- whether Java has been pushed out of a market
19 entirely.

20 MS. LEWIS-GRUSS: Objection.

21 A I believe we have been pushed out of
22 those markets, yes.

23 Q So you believe Java has been pushed out
24 of the automotive market?

25 A A large portion.

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1 Q And you believe Java has been pushed out
2 of the cash register market?

3 A Yes, and wearables, and televisions, we
4 already said phones, I'll say phones again.

5 Phones, wearables, most of auto,
6 televisions, many of the media players, other game
7 consoles we don't have, so I don't believe we have
8 Blu-ray or XBox or Playstation.

9 Q Is there any reason why Java could not
10 compete in those markets?

11 A I don't believe there is any reason we
12 could not, no.

13 MR. MULLEN: No further questions for
14 me.

15 CROSS-EXAMINATION BY MS. LEWIS-GRUSS:

16 Q Mr. Ringhofer, do you recall that
17 earlier when you were being asked questions you
18 stated that you wanted to refer to Exhibit D to
19 Exhibit 1585?

20 MR. MULLEN: Object to form.

21 A Yes, I do remember, yes.

22 Q And did you want to refer to that
23 exhibit in order to complete your testimony?

24 MR. MULLEN: Object to form.

25 A Yes.

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1 Q What did you want to add to your
2 testimony regarding the product category phones and
3 the [REDACTED]

4 MR. MULLEN: Object to form.

5 I think it's very leading and not proper
6 for redirect.

7 A That we have experienced significant
8 market harm in, A, loss of revenues from phones
9 switching to Android from Java, price erosion over
10 time from the phones because of Android.

11 Q Is it your opinion that Oracle has lost
12 Java licensing opportunities regarding Samsung
13 because of Android?

14 MR. MULLEN: Object to form.

15 A Absolutely.

16 I believe that if not for Android in a
17 similar story to what I just told with Amazon, it
18 would be -- they really had no other choice. It
19 would be a massive expense to try to switch to any
20 other platform other than Java, they would continue
21 going with Java, they could have used Java SE, and I
22 would still expect to be seeing Samsung today with
23 Java if not for Android.

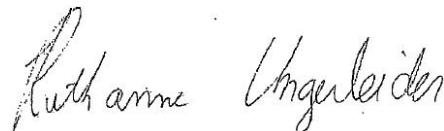
24 Q And if you could turn the page,
25 Mr. Ringhofer.

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1 C E R T I F I C A T E
2

3 I, RUTHANNE UNGERLEIDER, a Certified Court
4 Reporter and Notary Public, certify that the
5 foregoing is a true and accurate transcript of the
6 stenographic notes of the deposition of said witness
7 who was first duly sworn by me, on the date and
8 place hereinbefore set forth.

9 I FURTHER CERTIFY that I am neither
10 attorney, nor counsel for, nor related to or
11 employed by, any of the parties to the action in
12 which this deposition was taken, and further that I
13 am not a relative or employee of any attorney or
14 counsel in this case, nor am I financially
15 interested in this case.

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